

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	<b><u>FILED EX PARTE AND UNDER SEAL</u></b>
Plaintiff,	)	
	)	
v.	)	Criminal No.: 19-10459-RWZ
	)	
27. ROBERT AVITABILE,	)	<u>Record Owner:</u>
A/K/A "BOBBY,"	)	A.R.A. Realty Trust Corp.
Defendant.	)	
	)	<u>Property:</u>
	)	585 Elm Street
	)	New Bedford, MA
	)	
	)	<u>South Bristol Registry of Deeds</u>
	)	Book 12908, Page 301

**LIS PENDENS**

TO ALL WHOM IT MAY CONCERN:

PLEASE TAKE NOTICE, that on December 4, 2019, a federal grand jury sitting in the District of Massachusetts, returned a nine-count Indictment charging Robert Avitabile, a/k/a Bobby (the "Defendant"), among others, with Conspiracy to Conduct Enterprise Affairs Through A Pattern of Racketeering Activity, in violation of 18 U.S.C § 1962(d) (Count One); and Conspiracy to Manufacture, Distribute and Possess with Intent to Distribute Cocaine and Cocaine Base, in violation of 21 U.S.C. § 846 (Count Two).<sup>1</sup>

The Indictment included a RICO Forfeiture Allegation, which provided notice that the United States intended to seek forfeiture, pursuant to 18 U.S.C. § 1963(a), upon conviction of the Defendant of the offense in violation of 18 U.S.C. § 1962, as set forth in Count One of the Indictment, of (a) any interest acquired or maintained in violation of 18 U.S.C. § 1962; (b) any

---

<sup>1</sup> The Defendant was only charged in Counts One and Two of the Indictment.

interest in, security of, claim against, or property or contractual right of any kind affording a source of influence over, any enterprise established, operated, controlled, conducted, or participated in the conduct of, in violation of 18 U.S.C. § 1962; and (c) any property constituting, or derived from, any proceeds obtained, directly and indirectly, from racketeering activity or unlawful debt collection in violation of 18 U.S.C. § 1962.

The Indictment also included a Drug Forfeiture Allegation, which provided notice that the United States intended to seek forfeiture, pursuant to 21 U.S.C. § 853(a), upon conviction of the Defendant of the offense in violation of 18 U.S.C. § 846, set forth in Count Two of the Indictment, of any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such offense; and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offense.

The following real property is subject to forfeiture to the United States:

- a. the real property located at 585 Elm Street, New Bedford Massachusetts, which is owned by A.R.A. Realty Trust Corp., including all buildings, appurtenances, and improvements thereon, more particularly described in a Foreclosure Deed recorded in Book 12908, Page 301 at the South Bristol Registry of Deeds.

Respectfully submitted,

ANDREW E. LELLING  
United States Attorney

By: /s/ Carol E. Head  
PHILLIP MALLARD  
RACHEL E. GOLDSTEIN  
CAROL E. HEAD, B.B.O. # 652170  
Assistant United States Attorney  
U.S. Attorney's Office  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3100  
carol.head@usdoj.gov

Dated: December 4, 2019

COMMONWEALTH OF MASSACHUSETTS

OATH

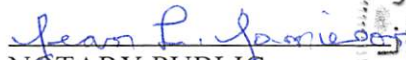
The undersigned Carol E. Head, Assistant United States Attorney, on her oath declares that the proceeding referred to above affects the title to the land and building as described above.

  
\_\_\_\_\_  
Carol E. Head  
Assistant United States Attorney

Dated: December 4, 2019

Then personally appeared the above-named Carol E. Head, Assistant United States Attorney, and acknowledge the foregoing to be true to the best of her knowledge, information and belief, and to be her free act and deed on behalf of the United States of America.

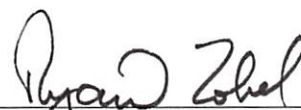
Subscribed to and sworn before this 4<sup>th</sup> day of DECEMBER, 2019.

  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission expires: 3/12/2021



The above-captioned action constitutes a claim of right to title to real property or the use and occupation thereof or the building thereon. Further, there is a clear danger that the titled owners of the property, if notified in advance of the endorsement of this memorandum, will convey, encumber, damage or destroy the property or the improvements thereon.

SO ORDERED AND ENDORSED:

  
\_\_\_\_\_  
RYAN W. ZOBEL  
Senior United States District Judge

Dated: 12/5/19

